

CENTRAL INTELLIGENCE AGENCY

14 September 1982

NOTE FOR: Special Assistant to the DCI for
Interdepartmental Affairs

FROM: Deputy Director, Office of
External Affairs

SUBJECT: FOIA

[Redacted]

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The Agency's policy on FOIA may come up at the Committee breakfasts due to the publicity about the DCI's remarks in Chicago. We believe it would be a good idea for the DCI to make note of the fact that the phrase "get rid of the law" was taken out of context and that the Agency's policy is as it always been -- to seek some relief from the Act for the CIA. The Agency has never advocated repeal of the Act.

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Attachment

CHICAGO TRIBUNE
27 AUGUST 1982ARTICLE APPEARED
ON PAGE 10

Mr. Casey makes it all easy

In the view of CIA director William J. Casey, the Freedom of Information Act is plain idiocy, a proof of the American "propensity to shoot ourselves in the foot." Mr. Casey told an applauding audience of American Legionnaires in Chicago that Congress should get rid of the law, under which individuals and businesses, including foreign nationals, can request and get information from government agencies.

The effect, said Mr. Casey, is to give foreign intelligence agents "legal license to poke into our files." He added ominously: "I doubt whether the CIA and the Freedom of Information Act can coexist very long."

This simplifies things a great deal. As Mr. Casey sees it, there is really only one side to the equation that has concerned this government for so long; the problem of balancing secrecy against accountability should not be a problem at all. Secrecy is essential, an informed public is not, so efforts to keep the CIA reasonably answerable for its actions are not merely foolish but suicidal. The answer is to stop trying.

This is a bit worrisome. A director of intelligence must deal with complex and subtle

problems; Mr. Casey's simplistic approach to this one indicates that he is not aware a problem exists. He does not, in fact, seem to have noticed a striking fact about the government he is employed to defend: that it is obliged by its own Constitution to protect its citizens' access to information. To point out that in some instances it is inconvenient to do so is to state the problem, not the solution.

The challenge is especially tricky in the case of the CIA, whose operations must be largely secret if they are to be effective at all. That is the reason for the current tug-of-war between the Reagan administration and Congress over a sweeping executive order giving the Justice Department and the CIA virtually autonomous powers to classify information.

Mr. Casey all along has insisted that the CIA should have blanket exemption from the requirements of the Freedom of Information Act. He now seems to be going beyond this and demanding that the act itself be scrapped—that citizens' right to information about their own government is too petty a concern for government to worry about. For an intelligence director, that's a strangely unintelligent argument.